Copyright Act reform

Current Issue Review

COPYRIGHT ACT REFORM

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25 OCTOBER 1982
Revised 18 September 1989

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Cat. No. YM32-1/82-20-1989-09E

ISBN 0-660-13512-4

N.B. Any substantive changes in this Review which have been made since the preceding issue are indicated in **bold print.**

CE DOCUMENT EST AUSSI PUBLIÉ EN FRANÇAIS

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ISSUE DEFINITION

Canada's current Copyright Act has not been materially altered since it came into force in 1924. Since that time, technological advances have revolutionized the communications industry and wreaked substantial havoc on traditional copyright concepts. While providing easier and more flexible access to information, innovations such as the photocopying machine and audio-visual recording apparatus have effectively eroded an important protection afforded the copyright owner under the Act: the sole right "to produce or reproduce the work or any substantial part thereof."

The need to update the existing law in order to make it more responsive to the changing times and technologies has been the subject of discussion and study for many years. Reports on copyright reform were issued by the Ilsley Royal Commission in 1957, the Economic Council of Canada in 1971, and the Department of Consumer and Corporate Affairs in 1976 (the Keyes/Brunet report). In addition, the Department systematically released commissioned studies on specific aspects of copyright during the 1980-1984 period. The 1982 report of the Federal Cultural Policy Review Committee (the Applebaum/Hébert report) also made several proposals for change.(1)

In the wake of these reports, the previous government tabled in May 1984 a white paper on copyright reform: From Gutenberg to Telidon. The document was retabled by the existing government in January 1985 in the form of a discussion paper, and was referred to the Sub-committee on the Revision of Copyright of the Standing House Committee on Communications and Culture which issued its report A Charter of Rights for Creators on

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(1) The full citation for these works is provided at the end of this study.

10 October 1985. The Government tabled its response to the recommendations of the Sub-committee in February 1986, and in May 1987 it introduced Bill C-60, representing only the first phase of the proposed reform.

Following a brief discussion of the nature of copyright and the basic features of the existing law in Canada, this paper examines some of the issues relevant to copyright reform in relation to two areas of the new technology: photocopying and home audio-visual taping.

BACKGROUND AND ANALYSIS

A. The Nature of Copyright

The invention by Gutenberg of the printing press in the fifteenth century had a two-fold effect. On the one hand, it freed the duplication of written materials from the tedious and time-consuming process of manual transcription; on the other hand, and precisely because the works could now be reproduced and circulated with greater ease and speed, it eroded the degree of control that authors could exercise in relation to their works.

In response the legal concept of copyright was eventually introduced; its original object, to grant authors the sole right to produce and reproduce their works. Since then, copyright law has been expanded to cover an array of other intellectual works in addition to written material, and to prescribe their attendant rights.

There are two traditional conceptual views on the nature of copyright. The first holds that creators have a natural property right in their works which entitles them as of right to the fullest copyright protection. The second view holds that copyright is no more than a state-created privilege granted to creators in the public interest in order to encourage the production and dissemination of intellectual works.

In policy terms, the two views affect copyright holders differently. If copyright is considered a natural property right, the emphasis will be placed on vesting creators with maximum statutory rights

with which to control and exploit the uses that are made of their works. If, however, it is considered a privilege, the copyright protection conceivably need go no further than that which is necessary to guarantee the continued production and dissemination of works rather than their noncreation or actual suppression. In this case, statutory rights would be kept to a minimum and could further be made subject to a number of exceptions if, in the public interest, this was thought desirable.

Copyright law, however, is not just a broad or a limited enumeration of statutory rights; it has important economic consequences. In prescribing exclusive rights, copyright sets the legal foundation upon which creators can exact payment for the legitimate exercise by others of their exclusive rights; in turn, it bears directly on what the consuming public must pay for the use of the protected works. For this reason, economic policy has played a predominant role in discussions on copyright reform.

The economic implications of copyright take on added importance in the light of Canada's obligations under the Berne Convention of 1886 and the Universal Copyright Convention of 1952. Pursuant to these conventions, Canada is obliged to extend to the nationals of foreign contracting states the same treatment it affords its own domestic creators, albeit only in relation to those works covered by the conventions. Accordingly, if Parliament sought to increase the benefits to its creative industry by strengthening the copyright legislation, foreign creators might also be entitled to reap the benefits - a move which would result in an increase in Canada's actual trade deficit in intellectual works since Canada is and will likely continue to be a net importer of information.

The cost factor, therefore, both in terms of the costs to the Canadian consuming public and the probability of increased capital outflows, has been a foremost consideration in the debate on copyright reform.

In the context of the new technology, one approach has been to analyze the impact the sophisticated machinery has or is likely to have on the creative role and, unless actual economic harm to the creative community is demonstrated, the tendency has been to endorse the status

quo. Needless to say, the economic analysis approach does not sit well with the creative community which naturally feels that it is entitled to just compensation for every use that is made of the protected works. For creators, it is a question of social justice.

In addition to its relevance to economic policy, copyright can also constitute an important instrument of cultural policy. Through it, the creative community can be given a greater incentive to produce works of benefit to the country's cultural well-being. Moreover, a favourable copyright environment can be instrumental in building a strong and vital creative industry which can only be an asset to Canada in this growing information age.

Whether copyright legislation is the best vehicle to achieve these goals is a question the legislators have had to address in the reform process.

B. Basic Features of Canadian Copyright Law

Under the Copyright Act, copyright extends to any "original literary, dramatic, musical or artistic work." The key elements for copyrightability are twofold: the existence of a "work" and "originality". These criteria have been judicially interpreted to mean that the work must be expressed in some material form, be capable of identification and have a more or less permanent endurance (the fixation criterion); also, the work must have originated with its creator, who, in its production, applied his skill, judgment, labour and learning (the originality criterion). According to these criteria, a broad spectrum of works is eligible for copyright: books, dictionaries, maps, sculptures, paintings, choreographic works, photographs, films and the like; and their derivative products, such as translations, abridgements and adaptations to a different medium.

Copyright arises automatically for published and unpublished works alike. Registration is not compulsory, although the Act does provide for voluntary registration which can be useful in the case of a dispute over the ownership of a work. The application of the Act is not universal, however. The statutory protection, in accordance with Canada's treaty

obligations, extends only to eligible works created by Canadian authors or foreign authors from countries which are members of the Berne Convention or the Universal Copyright Convention.

The usual term of copyright in a work runs for the life of the author plus 50 years. There are exceptions, however, such as the straight 50-year term for photographs and records, calculated from the production date of the master plate or negative. For the duration of the applicable term, therefore, the creator of the work (or his assignee or beneficiary, as the case may be) is vested with a number of statutory rights. These fall into two broad categories: a) moral rights, such as the right to restrain any distortion of the work that is prejudicial to the creator's reputation, and b) pecuniary rights, such as the sole right of the copyright holder to publish or publicly perform a work. For the purposes of this discussion, the most important pecuniary right is the creator's "sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever."

The unauthorized exercise of one of the exclusive rights vested in the creator constitutes a copyright infringement which gives rise to a number of remedies: an injunction, an action for damages, and penal sanctions. **However, not all unauthorized acts constitute an infringement. The Act provides for statutory or compulsory licences, such as a compulsory licence for making copies for sale purposes of a previously published work whose the author has been dead for at least 25 years.**

Secondly, certain specified uses are deemed non-infringing uses. For there to be an infringement, the reproduction of a work, for example, must a priori be "substantial". Furthermore, even where substantial reproduction has occurred, users may be exonerated if they come within any of the statutory defences. The most important of these is the "fair dealing" provision which excuses "any fair dealing with any work for the purposes of private study, research, criticism, review, or newspaper summary."

Within this legislative framework, the proposals for reform as regards to two areas of the new technology will now be addressed.

C. Proposals for Reform

1. Photocopying

Since its introduction in 1959, the photocopying machine has triggered the widespread reproduction of copyrighted works and, quite naturally, authors and the publishing industry are crying foul. That copyright is being infringed is pretty obvious. Not so clear are the extent of, and the harm occasioned by, the so-called reprography.

There are very little collected data on the dimensions of the problem occasioned by indiscriminate reprography. Studies have been largely limited to the photocopying done in government offices, lending libraries and educational facilities, thereby excluding private sector practices. Furthermore, these studies have been criticized for their lack of empirical soundness, with the net result that their conclusions are less than totally reliable. Given these caveats, Prof. S.J. Liebowitz in The Impact of Reprography on the Copyright System correlated the various studies and reached these conclusions: 1) journals are copied more than books but there is disagreement as to the exact extent of the photocopying; 2) multiple copies appear to be made infrequently; 3) a very small percentage of the total photocopying in Canadian libraries involves Canadian copyrighted materials; 4) academic libraries are responsible for only a small percentage of library copying of copyrighted materials.

Since journals constitute the most common target, Prof. Liebowitz analyzed the market trends of this industry over the last two decades. His findings are as follows: 1) there is an overall increase in the number of journals published, and in the number of journal subscriptions; 2) the size of journals has increased; 3) because of the magnitudes of the above increases, the growth in journal pages subscribed to has equalled the rise in population; 4) institutional subscription prices have risen relative to individual subscription prices; and 5) libraries spend a larger proportion of their budgets on journals.

From these findings which, if accepted, tend to belie any claims of "substantial" injury to journal publishers, Prof. Liebowitz concludes that, having regard to the overall desirability of other options, it is probably just as well to maintain the status quo; that is to say, given that the greatest abuse is directed against journals, the fact that institutions are charged a higher subscription tends to offset any economic harm done.

This proposal, however, has not been widely endorsed. It does nothing for the copyright owners of other printed materials that are also being reproduced (e.g. books, sheet music, etc.). Furthermore, it fails to address the fundamental question of the right of copyright owners to exercise control over, and exact compensation for, the use of their works - the presence or absence of economic harm notwithstanding.

Both the Keyes/Brunet study and the government document From Gutenberg to Telidon recommended a solution which is based on the collective administration of the "reproduction right". This approach also found favour with the Sub-committee on Copyright Reform which, in viewing copyright as the legal recognition of the property rights of creators in their works, stressed throughout its report that property should not be expropriated unless there is a strong public policy reason for doing so. Having reached the conclusion that, in the case of reprography, there existed no compelling reasons to limit by law the exclusive right of copyright owners to reproduce their works, the Sub-committee unanimously endorsed the formation of collective societies for the collective administration of the reproduction right, subject to several limited exceptions discussed below.

The collective administration of copyright is not a new concept. A model already exists in the music industry wherein, in order to administer their statutory "public performance right", lyricists, composers, and music publishers banded together and established, some decades ago, a collective whose purpose is to authorize, on behalf of its members, the performance of music in public (e.g., broadcasts, concert theatres, nightclubs, etc.).

Today, there are two "performing rights societies" operating in Canada, which represent not only Canadian copyright owners of music but also foreign ones. In return for the prescribed fee, the performing rights societies issue licences to the public users of music, the fees having first been reviewed by the Copyright Appeal Board, a government-established body whose sole function is to approve the tariff for the music licences. After collecting the licence fees and deducting their operating costs, the societies then distribute the proceeds to the copyright owners in the form of a royalty payment, in accordance with data obtained through sophisticated monitoring techniques that reveal which music is being played publicly.

A system not unlike the above is recommended as the solution to the problem of reprography. Copyright owners of printed works would establish their own collective societies for the administration of the reproduction right - it being quite evident that, without such a system individual copyright owners could not reasonably hope to police and enforce their rights against infringers.

In endorsing this solution the Sub-committee rejected recommending the creation of a separate right of "reprography", as it was urged to do by several groups, on the ground that the term "reproduction" was all-encompassing and, therefore, it was unnecessary to specify any particular mode of reproduction, such as photocopying.

Furthermore, the Sub-committee was not persuaded that educational users should constitute an exempt category. Noting that no other groups involved directly or indirectly in the educational process (e.g. teachers, caretakers, etc.) were required to forego payment for services rendered in the name of "education", there was no valid reason for requiring the same of copyright owners. Like other users of copyright works, educational institutions would also have to pay for their photocopying practices. To this rule, however, a minor exemption was recommended allowing the reproduction of a work as part of a question in an examination.

The reproduction of archival materials was the second and only other exemption approved by the Sub-committee insofar as reprography

is concerned. In this regard, a two-pronged exemption was recommended on the grounds of public policy. First, an archival institution would be allowed to make a copy of a work which is not otherwise available, and which is already in its collection, for the purpose of preservation of the work. Second, an archival institution could make a copy of a work for another archival institution which requested the same in the name of an individual for the purpose of private research.

Apart from these narrow exceptions, the Sub-committee concluded that the rights of creators should prevail and that similarly to existing law, the unauthorized photocopying of protected works would continue to constitute a copyright infringement unless, as is now the case, the reproduction is either unsubstantial or is excused on the basis of fair dealing, the retention of which was also advocated by the Sub-committee, subject to slight modifications.

Key to the Sub-committee's proposal is the formation by the relevant copyright owners of a collective society or societies which, in return for a fee approved by the Copyright Appeal Board in the case of disputes, would issue blanket licences allowing users to photocopy the copyright works. A limited version of this proposal already exists in the province of Quebec where an agreement was struck between educational users and a collective society to compensate authors for the photocopying done in the schools. For a truly comprehensive system, however, the future collectives will undoubtedly want to look beyond educational users. Government is also a prime consumer of photocopied works. Other likely sources include libraries, both private and public, photocopying businesses and the private sector.

The solution proposed by the Sub-committee has obvious attractions, not least of which is the absence of any government involvement in its implementation and operation. This, of course, is subject to the limited role contemplated for the Copyright Appeal Board. Pursuant to the Sub-committee's recommendations, the Board, to be re-named the Copyright Tribunal, would be independent of government: it would report to Parliament through the responsible Minister. Furthermore, its powers

would be limited to settling disputed tariffs only, and not all tariffs as in the present case.

Whether these proposals are the best alternative for the print industry is a question legislators will have to address. There are several drawbacks. First, by virtue of our treaty obligations, foreign nationals would be entitled to their share of the royalties, thereby resulting in some outflow of capital. Depending on the photocopying practices of Canadians, this could involve negligible or significant sums, particularly when measured against the benefits to be derived by Canadian copyright owners.

Further, much depends on the successful establishment by copyright owners of effective collective societies. A society or societies representing but a few copyright owners will have limited credibility and be of little benefit to users; as well, users must be willing to deal with the societies.

Until such time as a comprehensive system has been put into place, it can be expected that users, on the one hand, will continue to infringe copyright, if only because of the absence of a convenient mechanism enabling them to comply with the law; authors, on the other hand, will continue to be deprived of the compensation to which they are entitled by reason of unauthorized photocopying.

2. Home Audio-Visual Recording

The Canadian Copyright Act makes no exception for the reproduction of protected works even if the purpose of the reproduction is directed toward, and limited to, one's own non-commercial private consumption in the home. There is, therefore, every reason to believe that home taping of sound recordings, television programs and pre-recorded cassettes (both audio and video) are prima facie infringements of copyright, unless the reproduction is unsubstantial or is excused on the basis of a statutory exception or defence, such as fair dealing.

The situation is different in the United States. In the 1984 case of Universal City Studios v. Sony Corporation of America (220 U.S.P.Q. 665) the U.S. Supreme Court held that video taping in the home for private purposes did not constitute an infringement of the U.S. copyright

law. This decision, reached by a five to four majority of the court, was premised on the fact that the plaintiff had failed to demonstrate that it had sustained sufficient economic harm by reason of home video taping practices to preclude the defendant from successfully relying on the "fair use" defence.

Although the issue does not appear to have been tested in the Canadian courts, there are sufficient differences between the American "fair use" defence and Canada's "fair dealing" to conclude that, if an action were brought in Canada, home taping would be found to constitute a copyright infringement.

The economic impact of home taping in Canada was examined by J. Keon in a 1982 study entitled Audio and Video Home Taping: Impact on Copyright Payments. Relying on surveys conducted in Great Britain, Canada and the United States on home audio taping practices, the author made a number of findings, including:

- those who tape are most likely to be the heaviest purchasers of pre-recorded music;
- taping from one's own collection - the most prevalent practice - is generally done to maintain quality of sound or to make a composite of one's favourite selections;
- taping off air - the second most prevalent practice - is done either to avoid purchase or to make a composite of one's favourite selections, as is the taping of borrowed materials - the least common practice;
- not all music taped off air or from borrowed materials amounts to a lost sale since tapers would not necessarily be prepared to buy the work;
- the principal motivation for audio taping is convenience.

Basing his argument on the foregoing, and emphasizing the underlying subjectivity of a good portion of the data collected, the author concluded that the recording industry was sustaining some economic harm from lost music sales. Because the negative effect on sales was not considerable in his estimation, however, the only change that should be made to the

existing law would be to legitimize home audio taping in recognition of the magnitude of the practice.

A similar recommendation was made in relation to home video taping which, it was found, had a negligible impact on the advertising revenues of the television broadcasters whose programs were being taped in the home. This conclusion was based on the following findings:

- the primary function of home video taping is "time-shifting" so that tapers may view at their own convenience;
- because time-shifting is paramount, video recorders increase the audience size since their owners tend to view more programs, thereby benefiting advertisers;
- even though some commercials are being deleted, their number appears to be small.

For these and other reasons, the author recommended that, as with home audio taping, the only change that should be made would be to legitimize home video taping. Acknowledging, however, that either practice could eventually cause significant harm to the economic interests of the relevant copyright owners, he specifically left the door open to the imposition of a compensatory levy at some future time.

A number of countries have responded to the problem of home taping by imposing a levy on recording equipment or blank tapes, or both. The funds generated by the levy, which is usually imposed at the manufacturing or importation level, are generally directed to a collective society for distribution to the rightful copyright owners. Noteworthy exceptions are several Scandinavian countries wherein the levy imposed is not compensatory in nature - that is, is not intended as a royalty payment to those whose works are taped in the home. Rather, the tax goes to general revenues, only a part of which are used to support the domestic cultural industry.

In the government document From Gutenberg to Telidon, no recommendations, surprisingly, were made on the question of home taping. A majority of the Sub-committee on Copyright Reform, however, recommended a

system not unlike the West German one - that is, the imposition of a levy on the manufacturers and importers of both audio and video recorders and tapes.

Noting that the amount of economic harm occasioned by the home taping phenomenon is hotly disputed, the majority of the Sub-committee concluded that, whatever the level of actual damage, home taping is no less than the unauthorized reproduction of a protected work for which the copyright owners receive no compensation. In its view, payment should be made. Therefore, the Sub-committee rejected the notion of simply exempting home taping from the application of the copyright law, preferring instead to devise a scheme of compensation in exchange for which home taping would be legitimized.

The most difficult question for the Sub-committee was deciding the nature of the proposed levy, the contest being between a tax collected by the government for the general support of the creative industry (as in certain Scandinavian countries), or a levy to be paid directly by the manufacturers and importers to a collective society for distribution to the rightful copyright owners.

The main reason for the Sub-committee's hesitation stemmed from the fact that, by virtue of our treaty obligations, foreign copyright owners would also be entitled to benefit from the scheme, if based on the concept of a royalty payment. Given the fact that Canadians tape primarily foreign works, particularly American ones, adopting this option would undoubtedly lead to an outflow of capital.

Consistent with its underlying philosophy that there should be no expropriation without compensation, the majority of the Sub-committee opted for the alternative that would directly reward those whose works were being used. In order to limit the amount of capital outflow, however, it recommended that only the copyright owners of the works covered by the conventions to which Canada adheres be entitled to share the proceeds (these include composers, lyricists, authors, film makers). For those works not covered by the conventions (i.e. sound recordings and performers' performances), entitlement would arise only on the basis of reciprocity,

that is, only if the countries of the copyright owners of non-convention works extend a like benefit to Canadian copyright owners.

Finally, the majority of the Sub-committee recommended that the levy apply to both audio and video recorders and tapes on the ground that this approach would best accommodate the principle of liability for the reproduction of a work, and take into account developing technology which, for example, could conceivably make the use of tapes obsolete.

In brief, to resolve the problem of home taping, the majority of the Sub-committee recommended a solution not unlike that which it proposed in relation to photocopying: the collective administration by copyright owners of their reproduction right, subject only to the approval of disputed tariffs by a revamped Copyright Board. A major difference between the two, however, is that with reprography the collective societies would, in return for the prescribed fee, issue blanket licences to the users; whereas, with home taping, the legitimization would be achieved on the basis of the payment of the levy by the manufacturers and importers - and indirectly by the consumers of the taxed products.

The above solution for home taping did not receive the unanimous approval of the members of the Sub-committee. In a dissenting opinion, Ms. Lynn McDonald, while not opposed to the notion of imposing a levy on the recording equipment and tapes, could not agree that the levy should be in the nature of a royalty payment. Concerned that with a royalty-type of levy, a good portion of the revenues collected would be distributed to foreign copyright owners, she advocated, instead, that the products be "taxed" outside the copyright régime. This way, she argued, the Canadian cultural community would receive the full benefits of the scheme, with the revenues being directed only to Canadian copyright owners through collectives, or toward new production, such as through Telefilm Canada, or toward some special new program, or a combination of these.

The attractiveness of this alternative is that the tax imposed on Canadians will remain in the country for the benefit of the Canadian creative community. The major drawback, however, rests in the fact that it does not purport to compensate the copyright owners, Canadian ones included, whose works are actually being taped in the home. Further,

if it is intended that the tax be distributed through a collective society to Canadian copyright owners only, the fact that it is imposed by virtue of financial legislation rather than copyright law would appear to be in violation of the spirit, if not the letter, of the copyright conventions. Such a protectionist move might be dimly viewed by the international community, and, indeed, might spark retaliatory action. Alternatively, if the tax is not to be compensatory in nature, then it amounts to no more than a special tax ear-marked for cultural purposes and, therefore, has little to do with copyright.

In the reform process, legislators will have to address the difficult issue of balancing the interests of the Canadian creative industry and of Canadian consumers, with an eye towards our relationship with, and our obligations to, the international community.

PARLIAMENTARY ACTION

In order to expedite reform, the current government retabled in January 1985 the white paper on copyright reform From Gutenberg to Telidon tabled the year before by the previous government. The document was referred to the Standing House Committee on Communications and Culture, and an all-party sub-committee was constituted in February 1985. The Sub-committee on the Revision of Copyright tabled its report, A Charter of Rights for Creators, on 10 October 1985. The thrust of the report, which was extremely supportive of the creative industry, was to enhance the ability of copyright owners to exploit ownership more fully, and to receive compensation for the uses that are made of their works.

On 2 February 1986 the Government tabled its response to the Sub-committee's report. This was followed by the tabling on 27 May 1987 of Bill C-60, An Act to amend the Copyright Act and to amend other Acts in consequence thereof, which was given second reading and referred to a legislative committee on 26 June 1987.

Bill C-60 contained a number of important changes. For instance, it expressly extended copyright protection to computer programs; it strengthened the moral rights of creators over their works; it granted to the copyright owners of artistic works the exclusive right to exhibit these works in public; and it abolished the controversial compulsory licensing provisions for sound recordings under which songwriters were entitled by law to no more than a two-cent royalty for the subsequent recording of their works by others. The bill also provided for stiffer penalties for copyright infringement (fines of up to $1,000,000.00 and/or imprisonment for up to five years). Most importantly for the purposes of this discussion, it paved the way for copyright owners to administer their rights collectively through the intermediary of "licensing bodies," thus enabling them to obtain some measure of compensation for such practices as photocopying.

By and large, the proposed changes under Bill C-60 were in keeping with the Sub-committee's recommendations. But the bill was limited in scope. It did not address the problem of home-taping. Nor did it resolve a number of other thorny issues, such as whether there should be a performer's performing right or whether specific categories of users (e.g., educators or the blind) should be given special status under the law. These and many more issues were reserved for the second phase of the promised reform.

Bill C-60 proved to be a controversial piece of legislation. As originally formulated, it was criticized by both creators and users who considered the proposed measures to be flawed in a number of substantive, as well as technical, respects. Heedful of the many concerns that had been raised, the government introduced a significant number of amendments, which were subsequently passed by the Legislative Committee. The Committee reported the bill back to the House of Commons on 11 December 1987. Bill C-60, as modified in committee, received third reading on 3 February 1988.

Despite the changes that had been made in the House of Commons, Bill C-60 came under renewed attack in the Senate. Hearings were held by the Senate Committee on Banking, Trade and Commerce, as a result of

which the Committee recommended in its 24 March report that Bill C-60 should be passed, but with two amendments. The Senate acted on the Committee's recommendations, passing Bill C-60 on 3 May 1988, subject, however, to amendments.

The House of Commons considered the bill, as amended by the Senate, on 17 May 1988. Although several concerns were expressed at the time, particularly as regards the timing of the second phase of the reform, the House of Commons reiterated its support for the legislation without the Senate amendments. The bill was returned to the Upper Chamber, where it was eventually passed on 1 June 1988.

A bill to implement the second and last phase of the proposed reform, originally promised for the fall of 1988, has yet to be introduced. In a statement to the House of Commons, the Minister of Communications, the Honourable Marcel Masse, indicated that the phase-two legislation might be ready for tabling in the fall of 1989.

CHRONOLOGY

1868 - Enactment of the first Canadian Copyright Act (31 Vict., c. 54).

1886 - Signature of the Berne Convention. Periodic revisions were made in Berlin (1908), Rome (1928), Brussels (1948), Stockholm (1967), and Paris (1971). Canada is bound by the Rome Text of 1928.

January 1924 - The Copyright Act of 1921 came into force.

June 1936 - Establishment of the Copyright Appeal Board to fix the royalty rates to be paid to the performing rights societies (Copyright Amendment Act, 1931, as amended by S.C. 1936, c. 28).

1952 - Signature of Universal Copyright Convention which was created to formalize the legal relationships between Berne and non-Berne countries. A revision was made in 1971.

1960 - Publication of the Royal Commission on Patents, Copyright and Industrial Designs (The Ilsley Commission).

1962 - Canada acceded to the Universal Copyright Convention as adopted in 1952.

January 1971 - Publication of the Economic Council of Canada's Report on Intellectual and Industrial Property.

April 1977 - Publication of Copyright in Canada, Proposals for a Revision of the Law (the Keyes/Brunet Report).

16 November 1982 - Publication of the Report of the Federal Cultural Review Committee (the Applebaum/Hébert Report).

2 May 1984 - Tabling of the white paper on copyright reform From Gutenberg to Telidon.

24 January 1985 - The Government retabled the white paper on copyright reform and referred its subject-matter to the Standing House Committee on Communications and Culture. The Sub-committee on Copyright Reform was subsequently established.

10 October 1985 - The Sub-committee on Copyright Reform tabled its report, A Charter of Rights for Creators.

7 February 1986 - The Government tabled its response to the Report of the Sub-committee on the Revision of Copyright.

22 September 1986 - Publication of the Report of the Task Force on Broadcasting Policy (the Caplan/Sauvageau Report). Among other things, this report dealt with the question of copyright in sound recordings and broadcasts, as well as a performer's performing right and a retransmission right.

27 May 1987 - Bill C-60, "An Act to amend the Copyright Act and to amend other Acts in consequence thereof," was tabled in the House of Commons.

8 June 1988 - Bill C-60 received Royal Assent (S.C. 1988, c. 15) and sections 1 to 11, 16, 18, 19, 21 and 24 came into force.

1 February 1989 - Remaining sections of the Act to amend the Copyright Act came into force by proclamation (Canada Gazette, Part II, Vol. 123, No. 6, p. 1794; SI/TR/89-78 published 15 March 1989).

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